

**Notice of Allowability**

Application No.

09/785,859

Examiner

Corbett B. Coburn

Applicant(s)

BLANKENSHIP, CHARLES H.

Art Unit

3714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE Request.
2. ☒ The allowed claim(s) is/are 21-43 and 45-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Prosecution History***

1. This application has gone through a somewhat convoluted prosecution history. A short synopsis may aid in clarifying the record.
2. The application was originally filed on 16 February 2001. After a number of rejections and amendments, it was allowed on 22 December 2003. Applicant was apparently unhappy with the reasons for allowance – stating that they contained language not in the claims. Applicant file comments to that effect on 26 January 2004, along with an IDS. On 1 April 2004, Examiner responded to these comments by pointing out that the language was copied from the claims and asking that the Applicant point out the specific language objected to. Examiner also forwarded a signed copy of the IDS. In the meantime, on 22 March 2004, Applicant file an RCE request with the same objections to the reasons for allowance. This RCE request seems not to have been processed prior to the 1 April 2004 response by Examiner.
3. According to Palm, the RCE request was never entered. In fact, Palm fails to reflect any activity subsequent to the Notice of Allowance. Nothing, that is, except a Response to a Non-final Office Action, dated 31 August 2005. No such paper appears in the file. A 25 March 2005 Status Inquiry is in the file, but fails to appear in Palm.
4. Exactly why there are such gaps in the Palm record is a mystery. Examiner believes that these problems may have occurred because of the transition to the Image File Wrapper (IFW) system. Be that as it may, Examiner apologizes for the delay in processing this file.

### ***Allowable Subject Matter***

5. Claims 21-43 & 45-48 are allowed.

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6. The following is an examiner's statement of reasons for allowance:
- a. Regarding claims 21-29, a thorough search of the prior art fails to disclose any reference or references, which, taken alone or in combination, teach or suggest, in combination with the other limitations, the swung golf club blocks the incidental light from being received by the light reception device and the discrimination circuitry is configured to discriminate the received light from the incidental light responsive to the blocking.
  - b. Regarding Claims 30-37, 45 & 46, a thorough search of the prior art fails to disclose any reference or references, which, taken alone or in combination, teach or suggest, in combination with the other limitations, the discrimination circuit is configured to discriminate the received reference light from the entirety of all present incidental light.
  - c. Regarding Claims 38, 39, 47 & 48, a thorough search of the prior art fails to disclose any reference or references, which, taken alone or in combination, teach or suggest, in combination with the other limitations, circuitry that is configured to generate a pulse corresponding to the swung club blocking reception of incidental light from the light reception device and configured to compare the generated pulse with at least one pulse of the reference light to filter the incidental light.
  - d. Regarding Claims 40-43, a thorough search of the prior art fails to disclose any reference or references, which, taken alone or in combination, teach or suggest, in combination with the other limitations, discrimination circuitry coupled the light reception device and configured to discriminate the reflected reference light received

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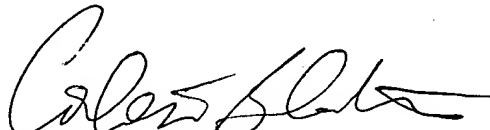
from the light emission device from incidental light by generating a timed pulse responsive to reference light being received within the light reception device.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn  
Examiner  
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